

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Elaine L. Chao, Secretary of Labor,)	
United States Department of Labor,)	
)	C/A No. 2:03-CV-00653-DCN
Plaintiff,)	
)	
vs.)	
)	ORDER and OPINION
William Pinder, Jr. and Sea Island)	
Comprehensive Health Care Corporation)	
403(b) Plan,)	
)	
Defendants.)	
_____)	

This matter is before the court on defendant William Pinder, Jr.'s motion for a new trial pursuant to Federal Rule of Civil Procedure 59(a) or, in the alternative, to alter or amend the judgment entered on July 26, 2007, pursuant to Rule 59(e). Pinder has offered ten grounds to support his motion. The court has reviewed the parties' briefs and arguments, and concludes that none of the grounds offered by plaintiff warrants a new trial or amendment of the judgment.¹ Accordingly, it is hereby **ORDERED** that plaintiff's motion for a new trial or to amend the judgment be **DENIED**.

¹One of Pinder's arguments is that the court erroneously computed the amount of loss suffered by the plan and its participants. Specifically, Pinder asserts the court's conclusion "that the participants lost at least \$37,079.70 does not reconcile, since the Government is aware that the plan was awarded 78% of its submitted proof of claim of \$99,5050.32. Applying this percentage, the participants received \$77,614.77, which leaves a difference of \$21,891.15 as opposed to the court's assertion of \$37,079.70." Def. Mem. Supp. at 3. Even if Pinder is correct that the plan's loss was only \$21,891.15, the court's judgment was only for \$21,692.11 (the amount requested by plaintiff). Consequently, it is unclear why Pinder would deserve a new trial or amended when he admits in this motion that the evidence supported the court's original judgment.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', is positioned above a horizontal line.

DAVID C. NORTON
CHIEF UNITED STATES DISTRICT JUDGE

March 25, 2008
Charleston, South Carolina